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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,925	10/19/2001	Syuuji Matsuura	0033-0772P	6304
2292 7590 01/05/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER KIM, KEVIN	
			ART UNIT	PAPER NUMBER
			2611	
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		01/05/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/05/2007.

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mailroom@bskb.com

Office Action Summary

Application No.

09/981,925

Applicant(s)

MATSUURA, SYUUJI

Examiner

Kevin Y. Kim

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harford (US 5,365,279) in view of Harford (US 5,479,137) and Martin (US 3,852,522).

Harford ('279) discloses a cable modem tuner, comprising;

a tuner portion (12,14) for amplifying and converting a signal to an IF signal,

a block filter (30), coupled to the tuner portion, for limiting the IF to a frequency band of transmission,

a gain control unit (32), coupled to the output of the SAW, for performing gain control based on an externally provided control voltage (60) such that the gain of the IF signal is constant,

an IF amplifying unit (34,36), coupled to the output of the gain control unit, using a differential amplifying the IF signal to provide a balanced output and

a low pass filter (38), connected to the output of the IF amplifying unit, for filtering out a signal out of a transmission band.

The claim requires the filter (30) to be a SAW filter. Harford ('137) teaches that the block is commonly a SAW filter. See col.1, lines 33-34. Thus, it would have been obvious to use a SAW filter as the implementation of the block filter (30) of Harford ('279) as taught by Harford ('137).

The claim further requires that the gain control unit use a dual gate MOSFET. Martin teaches an IF amplifier in a television receiver using a dual gate MOSFET. See Fig.1 and col.3, lines 4-5. Thus, it would have been obvious to one skilled in the art at the time the invention was made to implement the gain control unit (32) of Harford ('279) using at least one dual gate MOSFET as taught by Martin as an alternative implementation of the control unit.

Claim Objections

3. Claim 3 is objected to because of the following informalities:

Claim 3 is written to depend on claim 1 but claim 1 no longer includes "an output circuit" providing antecedent basis to "said output circuit" recited in claim 3. In light of the context, claim 3 is understood as dependent on claim 2 where "an output circuit" appears for the first time. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 2 and 3 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 2 calls for an output circuit that converts “the unbalanced signals of an output of said low pass filter to balanced signals”. However, being dependent on and thus further defining claim 1, this claimed invention was not described because, according to claim 1, “an intermediate frequency amplifying unit” is already configured “to provide a balanced output” which is provided to the low pass filter. Since the low pass filter does not convert balance to unbalance conversion, the output signal coupled to the low pass filter can not be provided with unbalanced signals. In other words, there has been disclosed no embodiment where the IF amplifying unit provides a balanced output and an output circuit converts the output of a LPF to balanced signals. The combination of these two alternative embodiments, as required in claim 2, has no support in the originally filed specification.

Claim 3 calls for “said output circuit” to include a differential amplifying circuit for “providing an output of said lowpass filter as balanced signals.” However, the specification describes that an embodiment where the IF amplifying unit performs the differential amplification, thus making unnecessary the providing of differential amplifying output circuit. See page 9, lines 9-12. In other words, there has been disclosed no embodiment where the IF amplifying unit provides a balanced output and an output circuit includes a differential amplifying circuit for providing the output of a LPF to balanced signals. The combination of these two alternative embodiments, as required in claim 3, has no support in the originally filed specification.

Conclusion

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y. Kim whose telephone number is 571-272-3039. The examiner can normally be reached on 8AM --5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KEVIN KIM
PRIMARY PATENT EXAMINER

K. Kim 12/31/06